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SEP 27 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
Amendment of the Commission's)	GEN Docket No. 90-314
Rules to Establish New)	
Personal Communications)	RM-7140, RM-7175, RM-7618
Services)	

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To: The Commission

**REPLY COMMENTS OF THE ASSOCIATION OF AMERICAN
RAILROADS ON UTAM PLAN FOR FINANCING AND
MANAGING 2 GHZ MICROWAVE RELOCATION**

The Association of American Railroads ("AAR"), by its undersigned counsel, hereby files these reply comments on UTAM, Inc.'s ("UTAM's") Plan regarding financing and managing the 2 GHz microwave relocation process (the "Plan").^{1/} These reply comments highlight the common areas of concern among the fixed microwave user community raised by AAR in connection with the Plan.

I. Background of Proceeding and Interest of AAR

In the Second Report and Order establishing regulations for unlicensed Personal Communications Service ("PCS"), the Commission designated UTAM as the coordinator for the transition of unlicensed spectrum (1910-1930 MHz) from fixed microwave

^{1/} These Reply Comments are considered timely pursuant to Public Notice, DA 94-873 (August 11, 1994).

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service to unlicensed PCS.^{2/} See 47 C.F.R. §15.301. The role of UTAM was conditioned on UTAM's submission and the Commission's approval of: (1) a funding plan involving all prospective manufacturers of unlicensed devices; and (2) a plan for band clearing that will permit prompt implementation of "nomadic" unlicensed PCS devices.

AAR's primary concern in this proceeding is to ensure that deployment of unlicensed PCS devices managed by UTAM does not cause interference with the fixed microwave operations supporting the nation's rail system. The U.S. railroad industry makes extensive use of fixed point-to-point microwave facilities to monitor and control more than 1.2 million freight cars on more than 215,000 miles of track throughout the nation. Microwave systems also are vital to the coordination of operations between and among the nation's railroads.

II. A Procedure is Necessary to Relocate Multiple Link Systems

AAR supports the American Petroleum Institute's ("API's") request that prior to Commission approval of the Plan, UTAM develop a procedure for relocating fixed microwave links that operate as parts of large scale systems within the unlicensed PCS band. API Comments at 8. Indeed, AAR urges UTAM to take this

^{2/} See, Second Report and Order, GEN Docket No. 90-314, 8 FCC Rcd 7700 (1993).

one step further to develop a procedure by which UTAM and the licensed PCS operators coordinate their activities in the band clearing process so that replacement of fixed microwave links is done in such a manner to keep large scale systems intact. AAR Comments at 6. By developing such a procedure, UTAM will be minimizing the inherent problems of maintenance, sparing, reliability and training that exist when a large microwave network is broken up and operates within different frequency bands. Moreover, relocating a large fixed microwave network as a whole, rather than hop by hop, will reduce UTAM's relocation expense while easing the transition for fixed microwave users.

**III. UTAM's Wedge Approach to Clearing Spectrum
Must Receive Further Commission Approval**

AAR notes that API supports its position that, prior to full clearing of all of the unlicensed spectrum, UTAM must receive further approval from the Commission before it permits the deployment of non-coordinatable (nomadic) devices in the unlicensed spectrum. AAR Comments at 3-4, API Comments at 9-10. This is of critical importance to AAR and other fixed microwave incumbents still operating in the unlicensed band who must operate free from interference caused by nomadic, unlicensed PCS devices.

**IV. Coordination and Location Verification
Processes Should Be Strengthened**

AAR shares API's and the Utilities Telecommunications Council's ("UTC") concerns with respect to UTAM's ability to control interference to incumbent microwave from coordinatable PCS devices. AAR Comments at 8, API Comments at 10-11, UTC Comments at 4. The funding structure of the Plan creates a tension between the need to sell as many coordinatable devices as possible to fund relocation versus protecting fixed microwave incumbents from unwarranted interference to their operations. Accordingly, AAR supports API's request that the Commission require UTAM to adopt a more conservative safety margin with respect to deployment in Zone 1 areas to ensure that this tension does not impair the safety and reliability concerns of the fixed microwave users.

With respect to Zone 2 areas, the proposed Location Verification Process ("LVP") should be standardized so that UTAM will be able to maintain greater control of the deployment process. UTC Comments at 5-6. Even AT&T, a member of the UTAM's Board of Directors, recognizes the need for strengthening the LVP to ensure UTAM retains control. AT&T Comments at 4. Moreover, the coordination analysis used by UTAM should be amended to reflect more realistic operating conditions as suggested by AAR and API. AAR Comments at 6-7, API Comments at 15-17.

V. Interference Resolution Procedures Must Be Developed Prior to Their Implementation

As AAR stated in its comments, UTAM should set forth in advance a clear, detailed and workable process that will result in the prompt resolution of cases of suspected interference. AAR Comments at 8. In its present state, the UTAM Plan merely states an intention to establish such a process in the future. API also urges UTAM to delineate further its dispute resolution proposals prior to their final approval. API Comments at 18.

VI. Conclusion

AAR urges the Commission not to approve the UTAM Plan unless and until changes are made, as described above, to address the legitimate concerns of incumbent fixed microwave users and to protect them from interference from unlicensed PCS devices which may result from deployment of such devices prior to band clearing.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS



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CERTIFICATE OF SERVICE

I, Bridget Y. Monroe, hereby certify that on this 27th day of September, 1994, copies of the foregoing "Reply Comments of the Association of American Railroads on UTAM Plan for Financing and Managing 2 GHz Microwave Relocation" were served by first-class mail, postage prepaid to the following parties:

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